Case 11-31910-KRH Doc 56 Filed 05/14/12 Entered 05/14/12 15:08:06 Desc Main Document Page 1 of 13

B6I (Official Form 6I) (12/07)

Ronald Lee Frisby
In re
Monica Garnett Hazelwood-Frisby

Debtor(s)

Debtor(s)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S) - AMENDED

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	DEPENDENTS OF DE	BTOR AND SPOUSE		
Married	RELATIONSHIP(S): daughter daughter Mother	AGE(S): 13 17months 75		
Employment:	DEBTOR	SPOUSE	·	
Occupation				
Name of Employer	Military			
How long employed				
Address of Employer				
	or projected monthly income at time case filed) and commissions (Prorate if not paid monthly)	DEBTOR \$ 3,969.33 \$ 0.00	\$ \$	SPOUSE 4,907.70 0.00
3. SUBTOTAL		\$	\$_	4,907.70
4. LESS PAYROLL DEDUCTION a. Payroll taxes and social b. Insurance c. Union dues d. Other (Specify): 15.		\$ 1,152.67 \$ 0.00 \$ 31.76 \$ 198.55 \$ 0.00	\$ _ \$ _ \$ _ \$ _	683.10 185.00 0.00 0.00
5. SUBTOTAL OF PAYROLL I	DEDUCTIONS	\$1,382.98	\$	868.10
6. TOTAL NET MONTHLY TA	KE HOME PAY	\$ 2,586.35	\$	4,039.60
8. Income from real property9. Interest and dividends	n of business or profession or farm (Attach detailed statemer	\$ <u>0.00</u> \$ <u>0.00</u>	\$ <u>-</u> \$ <u>-</u>	0.00 0.00 0.00
dependents listed above 11. Social security or government		\$	\$ _	0.00 670.00
(Specify): SSi For da 12. Pension or retirement income		\$ 0.00 \$ 0.00 \$ 0.00	\$ - \$ -	0.00
13. Other monthly income (Specify): Part Time	Job	\$ <u>1,300.00</u> \$ <u>0.00</u>	\$ \$	0.00 0.00
14. SUBTOTAL OF LINES 7 TI	HROUGH 13	\$1,300.00	\$	670.00
15. AVERAGE MONTHLY INC	COME (Add amounts shown on lines 6 and 14)	\$ 3,886.35	\$	4,709.60
16. COMBINED AVERAGE M	ONTHLY INCOME: (Combine column totals from line 15)	\$	8,595	i.95

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

Case 11-31910-KRH Doc 56 Filed 05/14/12 Entered 05/14/12 15:08:06 Desc Main Document Page 2 of 13

 $B6J\ (Official\ Form\ 6J)\ (12/07)$

In re

Ronald Lee Frisby Monica Garnett Hazelwood-Frisby

y łazelwood-Frisby		Case No.	11-31910
	D 1 ()	· -	

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - AMENDED

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

expenditures lal	box if a joint pertuon is fried and debtor's spouse maintains a separate nousehold. Combeled "Spouse."	ipiete a separa	ate schedule of
1. Rent or hom	e mortgage payment (include lot rented for mobile home)	\$	1,074.00
	tate taxes included? Yes X No		
b. Is property	insurance included? Yes X No		
2. Utilities:	a. Electricity and heating fuel	\$	400.00
	b. Water and sewer	\$	100.00
	c. Telephone	\$	125.00
	d. Other See Detailed Expense Attachment	\$	623.00
3. Home maint	enance (repairs and upkeep)	\$	120.00
4. Food		\$	1,000.00
5. Clothing		\$	150.00
6. Laundry and	l dry cleaning	\$	75.00
7. Medical and	dental expenses	\$	177.00
8. Transportati	on (not including car payments)	\$	625.00
9. Recreation,	clubs and entertainment, newspapers, magazines, etc.	\$	85.00
10. Charitable	contributions	\$	269.00
11. Insurance (not deducted from wages or included in home mortgage payments)		
	a. Homeowner's or renter's	\$	0.00
	b. Life	\$	35.00
	c. Health	\$	0.00
	d. Auto	\$	220.00
	e. Other	\$	0.00
12. Taxes (not	deducted from wages or included in home mortgage payments)	· 	
	(Specify) personal property taxes	\$	54.00
13. Installment	payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the	¥ <u> </u>	
plan)	, paymenter (in empter 11, 12, and 10 eases, do not not paymente to 50 metados in the		
P*****)	a. Auto	\$	275.00
	b. Other	\$	0.00
	a Other	\$	0.00
14 Alimony n	naintenance, and support paid to others	\$	330.00
15 Payments f	or support of additional dependents not living at your home	\$ 	0.00
	penses from operation of business, profession, or farm (attach detailed statement)	\$ 	0.00
	e Detailed Expense Attachment	\$ 	935.00
17. Other	o Dotanou Expense Attuenment	Ψ	303.00
	E MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules ble, on the Statistical Summary of Certain Liabilities and Related Data.)	\$	6,672.00
19. Describe ar	ny increase or decrease in expenditures reasonably anticipated to occur within the year		
	iling of this document:		
20. STATEME	ENT OF MONTHLY NET INCOME	_	
a. Average m	nonthly income from Line 15 of Schedule I	\$	8,595.95
	nonthly expenses from Line 18 above	\$	6,672.00
	et income (a. minus b.)	\$	1,923.95

Case 11-31910-KRH Doc 56 Filed 05/14/12 Entered 05/14/12 15:08:06 Desc Main Document Page 3 of 13

B6J (Official Form 6J) (12/07)

In re Monica Garnett Hazelwood-Frisby

Case No. **11-31910**

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - AMENDED Detailed Expense Attachment

Other Utility Expenditures:

Gas for home	\$ 185.00
cable	\$ 138.00
cell phone family plan	\$ 300.00
Total Other Utility Expenditures	\$ 623.00

Other Expenditures:

Education Expenses	\$ 150.00
Child Care	\$ 500.00
Haircare and cuts and hygiene	\$ 200.00
School Lunches	\$ 85.00
Total Other Expenditures	\$ 935.00

Case 11-31910-KRH Doc 56 Filed 05/14/12 Entered 05/14/12 15:08:06 Desc Main Document Page 4 of 13

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN - AMENDED AND RELATED MOTIONS

N	Ronaid Lee Frisby	C N
Name of Debtor(s):	Monica Garnett Hazelwood-Frisby	Case No: 11-31910

This plan, dated ______ May 14, 2012 ___, is:

 \Box the *first* Chapter 13 plan filed in this case.

a modified Plan, which replaces the

□confirmed or ■unconfirmed Plan dated <u>10/21/2011</u>.

Date and Time of Modified Plan Confirming Hearing: 6/27/2012 @ 9:10am
Place of Modified Plan Confirmation Hearing: 701 East Broad Street Courtroom 5000 Richmond VA 23219

The Plan provisions modified by this filing are: *Changed plan payments*

Creditors affected by this modification are:

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, <u>and the included motions in paragraphs 3, 6, and 7 to value collateral</u>, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$108,565.00

Total Non-Priority Unsecured Debt: \$145,760.00

Total Priority Debt: **\$4,500.00**Total Secured Debt: **\$139,216.00**

Case 11-31910-KRH Doc 56 Filed 05/14/12 Entered 05/14/12 15:08:06 Desc Main Document Page 5 of 13

- 1. Funding of Plan. The debtor(s) propose to pay the trustee the sum of \$900.00 Monthly for 13 months, then \$2,150.00 Monthly for 47 months. Other payments to the Trustee are as follows: NONE NONE. The total amount to be paid into the plan is \$ 112,750.00 .
- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
 - A. Administrative Claims under 11 U.S.C. § 1326.
 - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
 - 2. Debtor(s)' attorney will be paid \$ 2,774.00 balance due of the total fee of \$ 3,000.00 concurrently with or prior to the payments to remaining creditors.
 - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

Creditor Commonwealth of VA	Type of Priority Taxes and certain other debts	Estimated Claim 500.00	Payment and Term Prorata
IRS	Taxes and certain other debts	4,000.00	3 months Prorata 3 months

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
 - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

Creditor	Collateral	Purchase Date	Est Debt Bal.	Replacement Value
EZ Building	Shed		1,500.00	500.00
Santander	2002 Lexus LS 430 92k miles		10,550.00	11,650.00
Schewel Furn	InstallmentSalesContract	Opened 7/18/09	1,046.00	0.00
		Last Active		
		2/24/11		

B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

Creditor	Collateral Description	Estimated Value	Estimated Total Claim
Ocean Sands Owners Assoc	Time Share at Ocean Sands	5,000.00	3,000.00

Case 11-31910-KRH Doc 56 Filed 05/14/12 Entered 05/14/12 15:08:06 Desc Mair Document Page 6 of 13

C. Adequate Protection Payments.

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor	Collateral Description	Adeq. Protection Monthly Payment	To Be Paid By
Citifinancial	2001 Lincoln Navigator 116k miles	50.00	<u> </u>
Santander	2002 Lexus LS 430 92k miles	50.00	

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

		Approx. Bal. of Debt or	Interest	
Creditor	Collateral	"Crammed Down" Value	Rate	Monthly Paymt & Est. Term**
Citifinancial	2001 Lincoln Navigator 116k miles	9,645.00	5 %	Prorata
				26 months
EZ Building	Shed	500.00	<i>5%</i>	Prorata
				26 months
Santander	2002 Lexus LS 430 92k miles	10,550.00	<i>5</i> %	Prorata
				26 months
Schewel Furn	InstallmentSalesContract	1,046.00	<i>5</i> %	Prorata
				26 months

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

4. Unsecured Claims.

- B. Separately classified unsecured claims.

Creditor	Basis for Classification	Treatment
-NONE-		

Case 11-31910-KRH Doc 56 Filed 05/14/12 Entered 05/14/12 15:08:06 Desc Main Document Page 7 of 13

- 5. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).
 - A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

		Regular		Arrearage		Monthly
		Contract	Estimated	Interest	Estimated	Arrearage
Creditor	Collateral	Payment	Arrearage	Rate	Cure Period	Payment
Bank of America	Location: 107 W 4th Street,	952.38	13,700.00	0 %	26 months	Prorata
	Blackstone VA 23824 Located					
	in Nottoway County					
Benchmark Bank	2000 Lexus GS 300	<i>275.00</i>	0.00	0 %	0 months	

B. Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular			Monthly
		Contract	Estimated Interest	Term for	Arrearage
Creditor	<u>Collateral</u>	Payment	Arrearage Rate	Arrearage	Payment
-NONE-					

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

		Interest	Estimated	
Creditor	<u>Collateral</u>	Rate	Claim	Monthly Paymt& Est. Term**
-NONE-				

- **6. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
 - **A. Executory contracts and unexpired leases to be rejected.** The debtor(s) reject the following executory contracts.

<u>Creditor</u> <u>Type of Contract</u>

B. Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

Monthly
Payment Estimated

Creditor
-NONE
Monthly
Payment Estimated
for Arrears
Cure Period

Case 11-31910-KRH Doc 56 Filed 05/14/12 Entered 05/14/12 15:08:06 Desc Main Document Page 8 of 13

- 7. Liens Which Debtor(s) Seek to Avoid.
 - A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

<u>Creditor</u> <u>Collateral</u> <u>Exemption Amount</u> <u>Value of Collateral</u>

B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

<u>Creditor</u> <u>Type of Lien</u> <u>Description of Collateral</u> <u>Basis for Avoidance</u>

- 8. Treatment and Payment of Claims.
 - All creditors must timely file a proof of claim to receive payment from the Trustee.
 - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
 - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
 - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- **9. Vesting of Property of the Estate.** Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- **10. Incurrence of indebtedness.** The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:

Case 11-31910-KRH Doc 56 Filed 05/14/12 Entered 05/14/12 15:08:06 Desc Main Document Page 9 of 13

Signatures:				
Dated: M	ay 14, 2012			
/s/ Ronald L	ee Frisby			/s/ Richard Oulton
Ronald Lee	Frisby			Richard Oulton
Debtor				Debtor's Attorney
		elwood-Frisby		
Monica Garı Joint Debtor		ood-Frisby		
Exhibits:		f Debtor(s)' Budg of Parties Serve	get (Schedules I and J); d with Plan	
			Certificate of Service	
I cert Service List.	tify that on $_{_}$	May 14, 2012	_, I mailed a copy of the foregoing t	to the creditors and parties in interest on the attached
			/s/ Richard Oulton	
			Richard Oulton	
			Signature	
			The Debt Law Group, Pllc	
			111 Highland Ave Colonial Heights, VA 23834	
			Address	
			804-520-2428	
			Telephone No.	

Ver. 09/17/09 [effective 12/01/09]

Advance America 1365 S Main Street Blackstone, VA 23824

American Collections E 205 S Whiting St Ste 500 Alexandria, VA 22304

Applied Card Bank Attention: General Inquiries Po Box 17120 Wilmington, DE 19886

Associated Creditors Excharge PO Box 33130 Phoenix, AZ 85067

Bank of America Po Box 5170 Simi Valley, CA 93062

Benchmark Bank PO Box 46 Crewe, VA 23930

Berks Cc P.o. Box 329 Temple, PA 19560

Cac Financial Corp 2601 Nw Expwy Oklahoma City, OK 73112

Capio Partners Llc 2222 Texoma Pkwy Ste 150 Sherman, TX 75090

Capital One PO Box 71083 Charlotte, NC 28272

Cash Express of VA 210 N Main Street Blackstone, VA 23824 CashCure LLC 750 Shipyard Drive Milford, DE 19963

Centra Po box 2496 Lynchburg, VA 24505

Chase PO Box 15299 Wilmington, DE 19850

Chase P.o. Box 15298 Wilmington, DE 19850

Chela Attn: Bankruptcy Po Box 9500 Wilkes-Barre, PA 18773

Citifinancial 707 E Atlantic Ave South Hill, VA 23970

Citifinancial 707 E Atlantic South Hill, VA 23970

Commonwealth of VA Department of Taxation PO Box 27407 Richmond, VA 23261

Credit One Bank PO Box 60500 City Of Industry, CA 91716

Dominion Law 222 Central Park Ave Virginia Beach, VA 23462

EZ Building 2148 E Eagle Pass Wooster, OH 44691 Fredericksburg Cr Bur 10506 Wakeman Dr Fredericksburg, VA 22407

Frontine Asset Strategies 1935 West County Road Ste 425 Saint Paul, MN 55113

Gemb/jcp Attention: Bankruptcy Po Box 103104 Roswell, GA 30076

Hsbc Bank Attn: Bankruptcy Po Box 5253 Carol Stream, IL 60197

Hsbc/rs
Attn: Bankruptcy
Po Box 5263
Carol Stream, IL 60197

IRS Po Box 7346 Philadelphia, PA 19101

MCV Physicians Po Box 91747 Richmond, VA 23291

Meridian Financial Svc 21 Overland Industrial B Asheville, NC 28806

Nationwide C/o CCS Two Wells Avenue Dept 9134 Newton Center, MA 02459

Ocean Sands Owners Assoc Po box 2814 Norfolk, VA 23501 PepperCash 187 Plaza Colonial Escazu San Jose, Costa Rica 1000

Santander Po box 105255 Atlanta, GA 30348

Sca Cred Svc 1502 Williamson Ro Roanoke, VA 24012

Schewel Furn 121 N Main St Blackstone, VA 23824

Southside Community Hospital 800 Oak Street Farmville, VA 23901

Southside Regional Medical Cen PO Box 501128 Saint Louis, MO 63150

St Frances Medical Center PO Box 404893 Atlanta, GA 30384

Target
Po Box 59317
Minneapolis, MN 55459

Tnb-visa Po Box 560284 Dallas, TX 75356

Us Dept Of Education Attn: Borrowers Service Dept Po Box 5609 Greenville, TX 75403

Va Credit Union P.o. Box 6713 Richmond, VA 23230